



City of Seattle

Gregory J. Nickels, Mayor
Department of Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2304127
Applicant Name: Curtis Kitchen
Address of Proposal: 1515 23rd Ave. S.

SUMMARY OF PROPOSED ACTION

Master Use Permit to construct five single family dwelling units and two, 2-unit townhouses. Parking to be provided under each structure. Project includes 750 cubic yards of grading. State Environmental Policy Act (SEPA) review is required because the proposal will establish more than four dwelling units in the Lowrise Duplex/Triplex (LDT) zone.

The following approval is required:

SEPA - Environmental Determination - Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☐ DNS* ☐ MDNS ☐ EIS

 ☒ DNS with conditions

 ☐ DNS involving non-exempt grading,
 or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Site Description

The subject site is approximately 17,073 sq. ft. and is located in a Multifamily Residential Lowrise Duplex Triplex (LDT) zone, on the west side of 23rd Ave. S.; but separated by a narrow strip of Washington State Department of Transportation (WSDOT) owned land, between the I-90 lid and South Massachusetts St. 23rd Ave. S. is a four-lane paved arterial street with curbs, gutters, and

sidewalks. Parking is not permitted on either side of 23rd Ave. S. An unimproved alley is located to the west. The site is currently vacant and slopes from the northeast corner to the southwest corner approximately 22' in a distance of approximately 150'0" (16% slope). Vegetation on the site consists primarily of grass and shrubs. There is no mapped or observed City of Seattle Environmentally Critical Areas (ECA's) on the site.

Development and Zoning in the Vicinity

Properties surrounding the subject site and across 23rd Ave. S. are also zoned LDT. South across S. Massachusetts St. and west toward Rainier Ave. S. there is a mix of more dense multifamily zones ranging from Lowrise 1 (L-1) to Lowrise 3 (L-3). Commercial zoning is predominant along Rainier Ave. S. A mix of single family homes, apartment buildings and various commercial businesses are found in the vicinity. Coleman school is located across 23rd Ave. S. to the east.

Proposal Description

The applicant proposes to establish use for and construct five (5) single family residences and two (2), 2-unit townhouses. Each of the dwelling units will be three stories high and range in size from 1696 sq. ft. to 1755 sq. ft., with garages at ground level accessed via the alley. All units will have pedestrian access to 23rd Ave. S. by way of easements across the property owned by the WSDOT. The site will be re-graded to accommodate new development, which will include excavation of approximately 650 cubic yards and 125 cubic yards of fill. It is anticipated by the applicant that future development activity at the subject site will include the creation of individual unit lots (Unit Lot Subdivision).

Public Comments

The comment period for this project ended on January 28, 2004. No comments were received.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated November 8, 2003 and annotated by the Department on February 12, 2004. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: "where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" (subject to some limitations). Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: temporary soil erosion, decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment; increased dust caused by drying mud tracked onto streets during construction activities; increased traffic and demand for parking from construction equipment and personnel; and increased noise. Due to the temporary nature and limited scope of these impacts, they are not considered significant but warrant additional discussion and may require mitigation.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires watering streets to suppress dust, on-site washing of truck tires, removal of debris, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment but additional conditioning pursuant to SEPA policies is warranted.

Air Quality

Excavation and grading to prepare the site is expected to temporarily add suspended particulate matter to the air. The construction contractor must comply with the Puget Sound Clean Air Authority regulations, which require that reasonable precautions be taken to avoid dust emissions. These precautions may include applying water or dust-binding chemicals during dry weather. Fugitive dust impacts, however, would be limited in area and duration. Soils and dust carried out of the construction area by exiting trucks would be minimized by wheel washing and by covering dusty truckloads.

Construction worker vehicles as well as any trucks or equipment, including generators and compressors would emit air pollutants that would contribute slightly to the degradation of local air quality, but the amount of emissions caused by the construction related vehicles and equipment would be insignificant compared to the amount of emissions generated by the existing traffic sources in the project area. No further mitigation pursuant to SEPA Air Quality Policies (SMC 25.05.675A) is warranted.

Noise

Noise associated with the grading and excavation for site and foundation preparation and construction of the building could adversely impact the surrounding residential uses. Due to the proximity of these residential uses, the Department finds the limitations of the Noise Ordinance are not adequate to mitigate these potential noise impacts. The SEPA Construction Impact policies, (SMC 25.05.675B) allow the Director to limit the hours of construction to mitigate adverse noise and other construction-related impacts. Therefore, the proposal is conditioned to limit grading and construction activities to non-

holiday weekday hours between 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. Saturdays (except that grading, delivery and pouring of cement, and similar noisy activities shall be prohibited on Saturdays).

This condition may be modified by DPD to allow work of an emergency nature or to allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DPD.

Earth/Soils

The Stormwater, Grading and Drainage Control Code (SGDCC) requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. A geotechnical report was prepared February 13, 2002 by Terra Associates and reviewed by a Department of Planning and Development Geotechnical Engineer.

This project constitutes a "large project" under the terms of the SGDCC [SMC 22.802.015 D]. As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which have been reviewed jointly by the DPD Building Plans Examiner and Geotechnical Engineer. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675D).

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces; 2) increased bulk and scale on the site; 3) increased traffic and parking demand due to residents and visitors; 4) minor increase in airborne emissions resulting from additional traffic; 5) minor increase in ambient noise due to increased human activity; 6) increased demand on public services and utilities; 7) increased light and glare; and 8) increased energy consumption. These long-term impacts are typical of single family and small townhouse developments and are not considered significant because the impacts are minor in scope.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); the Land Use Code which controls density, lot coverage, setbacks, building height, light and glare, and other development standards, and the City Energy Code which will require insulation for outside walls and energy efficient windows. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 2c.
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 2c.

CONDITIONS - SEPA

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

1. The hours of construction activity shall be limited to nonholiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. and between the hours of 9:00 a.m. and 6:00 p.m. Saturday (except that grading, delivery and pouring of cement and similar noisy activities shall be prohibited on Saturday). This condition may be modified by DCLU to allow work of an emergency nature or allow low noise interior work after the exterior of the structure is enclosed. This condition may also be modified to permit low noise exterior work (e.g., installation of landscaping) after approval from DCLU.

Prior to Issuance of Building Permit

1. Provide to DPD Land use Planner an approved SDOT (Seattle Department of Transportation) truck trip plan.

Signature: (signature on file) Date: August 12, 2004
Cheryl Mosteller, Senior Land Use Planner for
Department of Planning and Development
Land Use Services